

Senator Stephens, Chairman of the Committee on Federal Relations, by leave, presented the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Federal Relations, to whom was referred Senate Bill No. 316, "An Act to set apart one million acres of the public domain of the State for the establishment and maintenance of the University of Texas; and to reserve, for that purpose, from location, the unappropriated public domain belonging to the State within the boundaries of Greer county," have had the same under consideration, and instruct me to report said bill with the recommendation that it do pass.

STEPHENS, *Chairman.*

Senate Bill No. 216, "The school bill," taken up, pending Senator Storey's amendment.

On motion of Senator McLeary, the Senate adjourned until Wednesday at 8 o'clock.

SIXTY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 5, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. No quorum being present, the Sergeant-at-Arms was instructed to bring in absentees.

Senator Ball in the chair.

A quorum appearing, the Senate proceeded to business. Prayer by Rev. Mr. Dickson.

Journal of Monday adopted.

Senator Storey submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

The Committee of Conference of the two Houses have had under consideration the question of difference between the two Houses on Senate substitute for Senate Bills Nos. 73, 74 and 86, entitled, "An Act to define the duties of County Attorneys and regulate the performance of the same," and report that they cannot agree, and ask that a Committee of Free Conference be appointed.

STOREY,	}	<i>Senate Committee.</i>
THOMPSON,		
CHESLEY,	}	<i>House Committee.</i>
KINNISON,		

Report of committee adopted, and the President appointed Senators Storey, McLeary, and Piner as said Committee of Free Conference.

On motion of Senator Storey, Senator Thompson was added to the committee.

On motion of Senator McLeary, Leigh Chalmers, Secretary of the Senate, was excused until 10:30 o'clock.

The message of His Excellency, the Governor, received on the 3rd inst., was read as follows:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, July 3, 1876. }

To the Honorable Senate of the State of Texas :

GENTLEMEN—I respectfully ask your advice and consent to the following appointments, to-wit :

W. R. Ellis, Notary Public for Leon county.

H. B. Pruitt, " " " "

W. H. Holland, " " " "

Ananias Green, " " " "

A. D. Boggs, " " " "

Robt. Lacy, " " " "

John Perrin, " " " "

A. B. Hardin, " " " "

John T. Adkisson, " " " "

Morgan Price, Notary Public for Brazos county.

Thomas Rowan, " " " "

H. D. Lawless, " " " "

J. A. Buckholts, " " " "

J. R. Evans, " " " "

A. C. Brietz, " " " "

W. G. Talliaferro, " " " "

J. D. Thomas, " " " "

J. P. Ayres, " " " "

R. S. Motley, " " " "

Sam. R. Henderson, " " " "

Wyndham Kemp, Notary Public for Robertson county.

T. A. Menefee, " " " "

W. D. Donaldson, " " " "

W. T. Neale, " " " "

Thos. O. Sampson, " " " "

J. A. Holland, " " " "

Harrison Owens, " " " "

Geo. D. Haswell, " " " "

Wm. P. Brown, " " " "

A. A. Stewart, " " " "

I. M. Freeman, Notary Public for Grimes county.

J. H. Wilson, " " " "

Ben. Goodrich, " " " "

John Stewart, " " " "

W. H. Read, " " " "

W. J. Callaway, " " " "

J. E. Teague, " " " "

O. B. Caldwell, " " " "

F. B. Greenwood, " " " "

P. C. McKee, " " " "

A. F. Rea, " " " "

B. M. B. Tucker, " " " "

A. D. Harne, " " " "

Geo. E. White, " " " "

T. W. Blake, " " " "

J. W. Mayfield, " " " "

W. W. Meachem, " " " "

H. D. Patrick,	Notary Public for Grimes county.				
J. P. Stephenson,	Notary Public for Trinity county.				
J. P. Barnes,	"	"	"	"	"
C. B. Wood,	"	"	"	"	"
John W. Hamilton,	"	"	"	"	"
Y. W. Randolph,	"	"	"	"	"
John B. Turner,	"	"	"	"	"
T. D. Stanford,	"	"	"	"	"
J. K. P. Stokes,	"	"	"	"	"
David Hamilton,	"	"	"	"	"
Stoke Evans,	"	"	"	"	"
S. A. Robb,	"	"	"	"	"
W. M. Freeman,	"	"	"	"	"
W. D. Shaw,	"	"	"	"	"
Rie Mahorner,	Notary Public for Madison county.				
John Vernon,	"	"	"	"	"
Ed. Goree,	"	"	"	"	"
J. M. Bennett,	"	"	"	"	"
James Ford,	"	"	"	"	"
J. W. Wilson,	Notary Public for Walker county.				
J. W. Allen,	"	"	"	"	"
S. T. Burns, Sr.,	"	"	"	"	"
J. A. White,	"	"	"	"	"
Albert Tucker,	"	"	"	"	"
J. C. Dunlap,	"	"	"	"	"
C. T. Hill,	"	"	"	"	"
John D. Clark,	Notary Public for Navarro county.				
O. M. Stone,	"	"	"	"	"
Ely H. Forman,	"	"	"	"	"
Bryan T. Barry,	"	"	"	"	"
D. B. Hartzell,	"	"	"	"	"
J. C. Bartlett,	"	"	"	"	"
H. A. Halbert,	"	"	"	"	"
F. N. Reed,	"	"	"	"	"
John H. Rice,	"	"	"	"	"
Chas. T. McConnico,	"	"	"	"	"
B. F. Marchbanks,	"	"	"	"	"
W. H. Wagley,	"	"	"	"	"
L. B. Haynie,	"	"	"	"	"
James M. Love,	Notary Public for Limestone county.				
H. W. Morgan,	"	"	"	"	"
A. K. Jackson,	"	"	"	"	"
W. J. Gibbs,	"	"	"	"	"
A. C. Prendergast	"	"	"	"	"
A. Barry,	"	"	"	"	"
W. E. Meek,	"	"	"	"	"
N. L. Waller,	"	"	"	"	"
J. R. Harwell,	"	"	"	"	"
T. J. Gibson,	"	"	"	"	"
J. A. Wright,	"	"	"	"	"
Wm. D. Donaldson,	"	"	"	"	"
J. C. Morton,	"	"	"	"	"
W. P. Brown,	"	"	"	"	"

J. W. Seal,	Notary Public for Limestone county.
F. G. Gallett,	Notary Public for Freestone county.
J. T. Steward,	" " " "
Robert Mayes,	" " " "
B. F. Lovny,	" " " "
W. R. Davie,	" " " "
T. J. Sheffield,	" " " "
Robert Compton,	" " " "
H. P. Davis,	" " " "
John W. Stephenson,	Notary Public for Waller county.
Frank J. Cook,	" " " "
H. L. Rankin,	" " " "
John T. Griffin,	" " " "
Philip M. Cuny,	" " " "
R. A. Gladdish,	" " " "
Anson J. Harvey,	" " " "
Thomas Bell,	" " " "
Jasper Rainwater,	" " " "
J. W. Parker,	Notary Public for Fort Bend county.
J. M. Weston,	" " " "
J. A. Aston,	Notary Public for Collin county.
Thomas Byles	" " " "
Wm. Pruitt, instead } of Wm. Trewett, }	" " " "
H. H. McClendon,	Notary Public for Fannin county.
J. R. Jeter,	Notary Public for Grayson county.
W. R. Dudley,	Notary Public for Denton county.
L. A. Scott, instead } of L. L. Scott, }	Notary Public for Collin county.
C. C. Potter,	Notary Public for Cooke county.
Richard Morgan,	Notary Public for Dallas county.
John M. McCoy,	" " " "
J. J. Cox,	" " " "
J. H. Allbretton,	" " " "
R. A. Roberts,	" " " "
J. G. Williamson,	" " " "
D. W. Adams,	" " " "
Julius Royer,	" " " "
C. H. Patrick,	" " " "
J. H. Swindells,	" " " "
Wm. Harris,	" " " "
T. D. Coats,	" " " "
T. M. Hammond,	" " " "
J. G. Stephens,	" " " "
Alfred H. Beuners,	" " " "
Chas. Fred. Tucker,	" " " "
A. H. Steagall,	" " " "
R. W. Golthwait,	" " " "
E. G. Bower,	" " " "
Wm. Sprowls,	" " " "

Very respectfully,

RICHARD COKE.

The Senate then went into executive session.

IN SENATE.

The Secretary was instructed to inform His Excellency, the Governor, that the Senate does advise and consent to all his appointments of Notaries Public in his message of the 3d inst.

House Bill No. 33, "An Act to prevent the removal or sale by the lessee or rentee of animals, tools, or other property furnished by the landlord to the tenant, and of the crop raised on the rented premises, before the landlord has been paid for such animals, tools, and other property, so furnished the tenants by the landlord, and for the rent due the landlord for such rented premises," was referred to Judiciary Committee No. 1.

Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public free schools," being the unfinished business, was taken up, the amendment of Senator Storey to substitute Section 25, being the pending amendment.

Senator Terrell offered the following, as an addition to Section 25:

"*Provided*, That this section shall not be construed to authorize the sale of any real estate already appropriated or purchased for public school purposes, situate in an incorporated city or town, constituting a separate school district, until the consent of the municipal authority has been obtained."

Adopted.

Senator McLeary offered the following amendment to Senator Storey's amendment:

After "community," in line 7, insert, "incorporated city or town," and in line 18, after "communities," insert, "incorporated cities and towns."

Accepted by Senator Storey, and the section, as amended, adopted

Senator Ball offered the following amendment:

In Section 3, line 3, strike out, "\$2500," and insert, "\$1500."

Senator Terrell offered the following substitute:

In Section 3, line 3, strike out, "\$2500," and insert, "\$1800."

Senator Grace moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Crain and Henry J. R.

Senator McLeary moved to excuse Senator Henry.

Lost.

Senator Smith moved that the call be suspended.

Carried.

The vote then recurring on the adoption of the amendment offered by Senator Terrell, it was lost by the following vote:

YEAS—Senators Brown, Carroll, Crain, Edwards, Francis, McLeary, McCulloch, Piner, Ripetoe, Terrell, Thompson, Wortham—12.

NAYS—Senators Ball, Blassingame, Brady, Douglass Grace, Guy, Henry F. M., Hobby, Martin, Moore, Motley, Smith, Stephens, Storey—14.

NOT VOTING—Senators Burton, Henry J. R.—2.

Senator Smith moved to amend the amendment of Senator Ball by inserting, "\$1,200," in lieu of "\$1,500."

Accepted by Senator Ball.

Senator Moore then renewed the amendment of Senator Ball, to insert, "\$1,500," in lieu of "\$2,500."

Senator Edwards moved the previous question on the pending amendment, which was seconded, and the main question ordered.

The vote recurring on the amendment of Senator Moore, it was adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—27.

NAYS—Senator Burton—1.

NOT VOTING—Senator Brady—1.

Senator Brown offered the following amendment:

In Section 3, line 1, strike out the word, "shall," and insert, "if in their judgment the educational interest of the State require, may."

Adopted.

Senator Piner offered the following amendment as an additional section:

"It shall be the duty of the Sheriffs of the several counties to pay over to the County Treasurers thereof all money collected by virtue of any school tax heretofore levied; and all persons who, while holding the office of Sheriff, have collected such money shall be liable on their official bonds therefor, and all moneys in the hands of the Treasurers of School Boards, of Tax Collectors and of County Treasurers, that have been or may hereafter be collected or paid into the County Treasury, are hereby placed under the control of the County Commissioners' Court, and shall be paid out on warrants drawn by their order for such purchases as is now or may hereafter be provided by law. And the County or District Attorney shall institute suit against any and all persons who fail or refuse to comply with the provisions of this section."

Adopted.

Senator Martin offered the following amendment to Sections 19 and 20:

Strike out "10" and "14," where they occur in said sections, and insert, "8" and "12."

Senator Brady offered the following as a substitute for Senator Martin's amendment:

In Section 19, lines 1 and 2, insert "9" and "15," in lieu of "10" and "14."

Lost by the following vote:

YEAS—Senators Ball, Burton, Douglass, Ford, Grace, Guy, Henry F. M., Piner, Ripetoe, Storey, Wortham—11.

NAYS—Senators Blassingame, Brown, Edwards, Francis, Henry J. R., Martin, McCulloch, Moore, Motley, Terrell, Thompson—11.

NOT VOTING—Senators Carroll, Crain, Hobby, McLeary, Smith, Stephens—6.

The vote being evenly divided, the President voted in the negative.

Senator Grace offered the following substitute for the amendment of Senator Martin:

In Section 19 strike out the words, "10" and "14," and insert, "9" and "16."

Senator Brown in the chair.

Senator Edwards moved a call of the Senate.

Call not sustained.

President in the chair.

Senator Grace's amendment was then lost by the following vote:

YEAS—Senators Ball, Brown, Burton, Douglass, Ford, Grace, Guy, Henry F. M., Hobby, Piner, Ripetoe, Smith, Thompson, Wortham—14.

NAYS—Senators Blassingame, Carroll, Crain, Edwards, Francis, Henry J. R., Martin, McLeary, McCulloch, Moore, Motley, Stephens, Storey, Terrell—14.

The vote being evenly divided, the President voted in the negative.

Senator Grace moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senator Brady.

On motion of Senator Piner, Senator Brady was excused indefinitely on account of sickness in his family.

The Senate being full, the call was suspended.

Senator Edwards made a point of order that the amendment offered by Senator Martin to Sections 19 and 20 was out of order, as the same had been voted on here once before.

The President ruled the point of order well taken.

Senator McCulloch offered the following amendment:

Amend Section 19 by striking out, "10" and "14," and insert, "10" and "16."

Lost by the following vote:

YEAS—Senators Douglass, Ford, Grace, Guy, Henry F. M., McCulloch, Motley, Piner, Ripetoe, Smith, Wortham—11.

NAYS—Senators Ball, Blassingame, Brown, Burton, Carroll, Crain, Francis, Henry J. R., Hobby, Martin, McLeary, Moore, Stephens, Storey, Terrell, Thompson—16.

NOT VOTING—Senator Edwards—1.

Senator Burton offered the following amendment:

Amend Section 21, line 4, by striking out all after, "accessible," and insert in lieu thereof, "by consulting any other reliable data."

Lost.

Senator Brown offered the following as a substitute for Section 21:

"SEC. 21. Assessors, in taking a scholastic census, shall, in all cases, make careful inquiry as to the age of the child, availing themselves of all accessible information, and may, in their discretion, require the parent or guardian to answer under oath upon the question of age."

Adopted.

Senator Piner offered the following amendment:

Amend Section 19 by striking out, "14," and inserting, "15."

Lost by the following vote:

YEAS—Senators Ball, Douglass, Ford, Grace, Guy, Henry F. M., Hobby, McCulloch, Motley, Piner, Ripetoe, Smith, Wortham—13.

NAYS—Senators Blassingame, Brown, Crain, Edwards, Francis, Henry J. R., Martin, McLeary, Moore, Stephens, Storey, Terrell, Thompson—13.

The vote being evenly divided, the President voted in the negative.

NOT VOTING—Senators Burton, Carroll—2.

Senator Ripetoe offered the following amendment:

Amend Section 19 by striking out, "10," and, "14," and inserting, "9," and, "13."

Lost.

Senator Storey offered the following amendment:

Add to Section 48, "And the trustees of school communities, upon the order of the County Court, or the municipal authorities of any city or town constituting a separate school district, are hereby authorized and empowered, when deemed advisable, to sell any property belonging to said school community, to the highest bidder, for cash, or on time, as they may see proper, and to apply the proceeds to the purchase of necessary grounds, or to the building, repairing or renting of school houses.

Adopted.

Senator Douglass offered the following as a substitute for Sections 28 and 29.

SCHOOL COMMUNITIES.

"SEC. 28. The County Commissioners' Court shall divide the scholastic population of each county into convenient school communities. Such division and establishment of school communities shall be made at a meeting of such Commissioners, to be held in the month of October of each year, which meeting shall be called by the County Judge, of which meeting he shall give public notice in a newspaper for three successive weeks, or by posting notices at the court-house door, when no paper is published in the county. Parents and guardians residing in any county in this State, on the first day of January of any year, desiring the establishment of a school community, shall make out a list, to be signed in person by such parents and guardians as may desire to form such community to avail themselves of the benefit of the school fund, setting forth the names and ages of children to be instructed, who shall be within the scholastic age on the first day of the next September, which names of children shall be in alphabetical order. Said application shall be presented at the meeting of the County Commissioners' Court, provided for in this section. Said application shall also show the capacity of school houses, and describe the boundaries to be included in such school community.

"SEC. 29. At the meeting, for the purpose of dividing the population of a county into school communities, the Commissioners' Court shall carefully examine all applications for the establishment of school communities, and compare the list of pupils presented in such applications with the census made out by the County Assessor, and shall examine the geographical boundaries of such school communities, and alter and establish the boundaries of such communities in such manner as to include all the scholastic population of the county within such communities. Said court shall enter an order in a book, to be kept for the purpose declaring the establishment of such school communities for the ensuing scholastic year, designating them by number."

Lost.

Senator Moore moved the previous question on the bill.

Seconded, and the main question ordered.

The bill was then ordered engrossed by the following vote:

YEAS—Senators Brown, Carroll, Crain, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Piner, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senators Ball, Blassingame, Burton, Grace, Ripetoe, Wortham—6.

NOT VOTING—Senators Ford, Smith—2.

Senator McCulloch moved to suspend the rules and place the bill on its third reading.

Lost by the following vote, it requiring a four-fifths vote :

YEAS—Senators Carroll, Crain, Douglass, Edwards, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Motley, Piner, Stephens, Storey, Terrell, Thompson—18.

NAYS—Senators Ball, Blassingame, Brown, Burton, Grace, Ripetoe, Wortham—7.

A message was received from the House announcing that the report of the Committee of Conference between the two Houses on the disagreement on Senate substitute for Senate Bills Nos. 73, 74 and 86, "An Act to define the duties of County Attorneys, and regulate the performance of the same," had been adopted, and that the House had appointed as a Committee of Free Conference, Representatives Kinnison, Garrison, Chambers and Marshall.

The following House Bills were taken up by the President and referred:

House Bill No. 108—"An Act to enable the city of Galveston to construct a sea-wall and break-water, to levy a tax and issue bonds therefor and to grant State aid to the same by donations of land."

Referred to the Committee on Internal Improvements.

House Bill No. 76—"An Act to define and punish barratry."

Referred to Judiciary Committee No. 1.

House Bill No. 41—"An Act to amend Section 1 of an act to amend Section 1 of an act to amend Section 1 of an act to amend Section 4 of an act entitled, 'An Act regulating attachments,' approved March 11, 1848, passed July 24, 1856, approved December 16, 1863.

Referred to Judiciary Committee No. 2.

House Bill No 160—"An Act fixing the time of holding the District Court of the Seventh Judicial District of the State of Texas."

Referred to Judiciary Committee No. 1.

House Bill No. 180—"An Act for the relief of the citizens of Montague county."

Referred to the Committee on State Affairs.

House Bill No. 203—"An Act supplementary to an act to create and organize the county of Somerville," approved March 13th, 1875.

Referred to the Committee on Counties and County Boundaries.

House Bill No. 334—"An Act to authorize the State Board of Education ——— due on the bonds belonging to the Agricultural and Mechanical College in six per cent. bonds."

Referred to the Committee on Finance.

House Bill No. 333—"An Act to authorize and require the State Board of Education to invest the proceeds of the sale of University lands now in the State Treasury, in six per cent. State bonds."

Referred to the Committee on Finance.

House Bill No. 220—"An Act to further define the duties of the Comptroller and Treasurer of the State in regard to the county moneys deposited with the Treasurer under the provisions of the act of April 12th, 1871, entitled, 'An Act to authorize the counties, cities and towns to aid in the construction of railroads and other works of internal improvements.'"

Referred to the Committee on Comptroller's and Treasurer's Departments.

A message was received from the House, announcing the passage of House Bill No. 315, "An Act for the relief of the Tyler Tap Railroad Company."

President *pro tem* in the chair.

Senate Bill No. 98, "An Act to provide annual pensions for the surviving soldiers of the Texan Revolution, and the surviving signers of the Declaration of Texan Independence, and the surviving widows of such soldiers and signers," was taken up and read second time.

Senator Crain moved to strike out Section 16 of the bill.

Lost.

Senator Storey offered the following amendment:

Add to Section 10, the words, "in this State."

Adopted.

Senator Martin offered the following, to come in as Section 8:

"SEC. 8. Any person making application for a pension, as provided for in this act, who shall fail to establish his right thereto, shall pay the following fees, to-wit: To the County Judge, \$3.00; to the Attorney representing the State, \$4.00; to the County Clerk, \$2.00; and the Sheriff, \$1.00."

Adopted.

Senator Ford moved that Senate Bill No. 305, "An Act to provide annual pensions for the surviving soldiers and volunteers of the Texas Revolution, and the surviving signers of Texas Independence," be adopted as a substitute for the bill under consideration.

Substitute taken up and read second time.

On motion of Senator Francis, the proposed substitute was laid on the table.

Senator Francis offered the following amendment to Section 2:

Add to Section 2 the words, "Provided, That 'indigent circumstances' shall be so construed as to include only those who are incapable of earning a livelihood by physical or mental labor."

Lost.

Senator Ford offered the following, as an additional section to come in after Section 13:

"SEC. 14. That the Comptroller of Public Accounts shall not issue his warrant in favor of any applicant for a pension under the provisions of this act until he is satisfied that the applicant was in the service of the Republic of Texas within the period of time specified in the Constitution; and he may be governed in his decisions by record or other credible and satisfactory evidence; and that should the applicant have drawn a pension under the provisions of any former law, it may be taken by the Comptroller as proof in his or her case; but should he entertain doubts of the justness of the claim, he should require further proof."

Adopted.

The bill, as amended, was then ordered engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Edwards, Ford, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Stephens, Storey, Thompson—17.

NAYS—Senators Douglass, Francis, Motley, Ripetoe—4.

NOT VOTING—Senators Burton, Crain, Grace, Piner, Terrell, Wortham—6.

Senator McLeary moved to suspend the rules and place the bill on its third reading.

The vote was taken with the following result:

YEAS—Senators Ball, Blassingame, Brown, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCulloch, Moore, Storey, Thompson—15.

NAYS—Senators Douglass, Francis, Motley, Ripetoe—4.

No quorum voting.

NOT VOTING—Senators Burton, Carroll, Crain, Grace, Piner, Smith, Terrell, Wortham—9.

Senator Martin moved to adjourn until to-morrow morning at 9 o'clock.

Lost by the following vote:

YEAS—Senators Douglass, Ford, Henry F. M., Martin, Ripetoe, Stephens—6.

NAYS—Senators Ball, Blassingame, Brown, Carroll, Edwards, Francis, Guy, Henry J. R., Hobby, McLeary, McCulloch, Moore, Motley, Storey, Thompson—15.

NOT VOTING—Senators Burton, Crain, Grace, Piner, Terrell, Wortham—6.

Senator Francis gave notice of a motion to reconsider the vote by which the Senate passed to the third reading House Bill No. 212, "An Act to facilitate commerce and navigation within the navigable waters of the State of Texas."

Senator Carroll moved to excuse Senator Smith indefinitely, on account of sickness in his family.

Senator Martin moved to adjourn until to-morrow morning at 8:59 o'clock.

Lost, by the following vote:

YEAS—Senators Blassingame, Burton, Carroll, Ford, Henry J. R., Martin, Ripetoe, Stephens—8.

NAYS—Senators Ball, Brown, Crain, Douglass, Edwards, Francis, Guy, Henry F. M., Hobby, McLeary, McCulloch, Moore, Motley, Storey, Thompson, Wortham—16.

NOT VOTING—Senators Grace, Piner, Terrell—3.

Senator Motley moved to adjourn until 4 o'clock this evening.

Senator Crain moved to amend by inserting, "9 o'clock to-morrow morning."

Lost, by the following vote:

YEAS—Senators Blassingame, Burton, Carroll, Ford, Henry J. R., Martin, Ripetoe, Stephens—8.

NAYS—Senators Ball, Brown, Crain, Douglass, Edwards, Francis, Guy, Henry F. M., Hobby, McLeary, McCulloch, Moore, Motley, Storey, Thompson, Wortham—16.

NOT VOTING—Senators Grace, Piner, Terrell—3.

Senator Crain moved to amend by inserting, "9:05 A. M. to-morrow."

Lost, by the following vote:

YEAS—Senators Blassingame, Burton, Carroll, Martin, McCulloch, Ripetoe, Stephens—7.

NAYS—Senators Ball, Brown, Crain, Douglass, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Hobby, McLeary, Moore, Motley, Storey, Thompson, Wortham—17.

NOT VOTING—Senators Grace, Piner, Terrell—3.

On motion of Senator McLeary, Senator Ball was excused for the afternoon.

The motion of Senator Motley to adjourn till 4 o'clock this evening was then lost, by the following vote:

YEAS—Senators Ball, Brown, Douglass, Francis, Ford, Guy, Hobby, McLeary, Moore, Motley, Storey, Thompson—12.

NAYS—Senators Blassingame, Burton, Carroll, Crain, Edwards, Henry J. R., Henry F. M., Martin, McCulloch, Piner, Ripetoe, Stephens, Wortham—13.

NOT VOTING—Senators Grace, Terrell—2.

On motion of Senator Piner, the Senate adjourned until to-morrow at 8:58 A. M.

SIXTY-SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 6, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

President in the chair.

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senate Bill No. 248, "An Act to authorize and make provisions for the exchange and substitution of engraved bonds for the pension bonds issued under the authority of the seventh section of an act entitled, 'An Act granting pensions to the surviving veterans of the Revolution which separated Texas from Mexico,'" approved April 21, 1874, have had the same under consideration, and recommend that it do not pass.

STOREY, *Chairman.*

Senator Piner introduced a bill to be entitled: "An Act authorizing the Court of Appeals to appoint a bailiff."

Read by caption and referred to Judiciary Committee No. 2.

House Bill No. 375, "An Act for the relief of the Tyler Tap Railroad Company," was referred to Committee on Internal Improvements.

Senator Crain, from Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared the following Senate Bills: Senate Bill No. 164: "An Act to amend Article 448, and to repeal Article 440 of an act entitled: 'An Act to adopt and establish a code of criminal procedure,'" approved August 26, 1856; Senate Bill No. 291: "An Act to regulate procedure in relation to common use of certain inclosed lands;" Senate Bill No. 298: "An Act to provide for the change of venue by the State, in criminal cases;" Senate Bill No. 224: "An Act to amend the first section of an act for the protection of the wool growing interest of the State," approved May 1, 1874; Senate Bill No. 184: "An Act to amend Section 2, Chapter 1, of 'An Act regulating the corporations of cities of one thousand inhabitants or over, and to provide for the substitution and repeal of all acts heretofore passed incorporating said cities, which may